THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.1863 of 2007

Dated:09.04.2007

Between:

Goriparthi Basavaiah.

... Petitioner

AND

The District Collector and others.

... Respondents

THE HON'BLE SRI JUSTICE V.V.S.RAO

WRIT PETITION No.1863 of 2007

ORDER:

The petitioner is a resident of Krishna Nagar Village, Tokalavani Palem Panchayat of Kolluru Mandal in Guntur District. He owns agricultural land in Survey Nos.186-8 to 10 admeasuring Acs.4.62 cents situated at Krishna Nagar Village, where he raised dry crops. He alleges that the third respondent, who owns land in Survey No.186 admeasuring Acs.20.00 on the southern side of his land, started a brick manufacturing unit by excavating soil from his agricultural land and digging pits to a depth of 5 to 6 feet. This, according to the petitioner, creates adverse effects on the fertility of the land as well as ground water levels. Therefore, he filed a representation before the first respondent on 31.03.2006 requesting to take necessary action for restoration of irrigation channel, which was affected by the pits, and to prevent environmental degradation. As there was no response on the said representation, the present Writ Petition is filed.

The matter was initially heard on 02.02.2007, and this Court directed notice to the third respondent. After receiving notice, the third respondent is represented by a Counsel, Sri Ch.Ravindra Babu.

Heard the learned Counsel for the petitioner, learned Assistant Government Pleader for respondents 1 and 2 and the learned Counsel for the third respondent.

Learned Counsel for the petitioner placed strong reliance on Section 3 of the Andhra Pradesh Agricultural Land (Conversion for

Non-Agricultural Purposes) Act, 2006 (for short 'the Act'), which prohibits conversion of agricultural land to non-agricultural land without prior permission of the competent authority. Therefore, the District Collector, first respondent herein, may forward the representation of the petitioner to the concerned Revenue Divisional Officer, who is the competent authority as per Section 5 of the Act. The competent authority shall enquire into the representation made by the petitioner and take appropriate action. This order shall not preclude the third respondent from taking permission from the competent authority for conversion of his agricultural land for non-agricultural purpose.

The Writ Petition, with the above observations, is accordingly disposed of. No costs.

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(**V.V.S.RAO, J**)

09.04.2007
vs